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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/544,147

08/02/2005

Massimo Guarducci

CIO004

5649

39232

7590

01/23/2009

Themis Law
7660 Fay Ave Ste H535
La Jolla, CA 92037

EXAMINER

KHAN, AMINA S

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/544,147	Applicant(s) GUARDUCCI, MASSIMO	
	Examiner AMINA KHAN	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/23/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on October 23, 2008.
2. Claims 1-5 are pending. Claims 1-5 have been amended.
3. The rejection of claims 1-5 under 35 U.S.C. 103(a) as being unpatentable over Cain (US patent 3,498,740) in view of Koerner et al (US patent 4,248,590) is withdrawn in view of applicant's arguments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guise (US 4,121,902).

Guise teaches treating woolen fabrics to prevent shrinking by padding wool pretreated with reducing agents such as bisulphate salts (column 10, lines 20-45) with compositions comprising emulsions of at least water insoluble organic polymer chosen from acrylic polymers, vinyl chloride polymers, vinyl acetate polymers, blocked isocyanates and silicones (column 1, lines 20-30; column 3, line 55 to column 4, line 5), PCS compounds comprising polyisocyanates (column 7, lines 25-60) and cationic starches (column 8, lines 15-25), which meets the claimed limitation of cationic fabric conditioner. Guise further teach applying the compositions with no mention of heat, which meets the limitation of 20-100°C which encompasses room temperature, and heating the treated fabric to cure (column 10, lines 30-45).

Guise does not teach the treatment temperature with bisulfite or the 50% by weight treatment with respect to the weight of the fabric.

It would have been obvious to optimize the temperatures of treatment with bisulfite and percent weight treatment with the shrinkproofing composition because both would be art recognized result effective variables. Since both the bisulfite and polymer mixture are beneficial in the shrinkproofing of wool optimizing the concentration of chemicals on the fiber as well as the temperature of application would effect the overall anti-shrinking result as temperature is known to effect diffusion rates of chemicals and the concentration of shrinkproofing agents added to fabric would effect the overall

protection of the fabric. As such, without showing unexpected results, the claimed temperature cannot be considered critical.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guise (US 4,121,902) in view of FR 1452591.

Guise is relied upon as described in paragraph 3.

Guise do not teach 100°C of bisulfite application.

FR 1452591 teaches it is conventional and beneficial to treat wool for shrink-proofing with sodium bisulfite at a temperature between ambient and 100°C such that the handle, color stability and elasticity of the wool is maintained (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Guise by incorporating the temperature range of FR 1452591 because FR 1452591 teaches this range as efficient in treating wool with bisulfite for the benefit of shrink-proofing without producing unwanted damage to the fabric.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMINA KHAN whose telephone number is (571)272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796

/Amina Khan/
Examiner, Art Unit 1796
January 14, 2009